

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory J. Sesselmann

For: SYSTEM AND METHOD FOR ODOR ABSORPTION

Serial No.: 90/007,331

Examiner: J. Jastrzab

Filed: 11/30/2004

Group Art Unit: 3765

DECLARATION OF KEITH EDBERG

I, Keith Edberg, declare that:

1. I have extensive experience both in hunting wildlife and in the sales, manufacturing and marketing of scent control products used in the hunting industry. Specifically, I have more than 35 years of experience in hunting wildlife, such as deer and elk, and have been employed in the hunting products industry for over twenty two years.

2. I am currently employed as the Operations Manager of Robinson Outdoors, and have been employed by Robinson Outdoors for the past 10 years. For 12 years prior to joining Robinson Outdoors, I was the Manager of a major archery hunting products retail store named Compound Doctor Archery Pro Shop.

3. Robinson Outdoors is currently and has been for more than 20 years one of the top three manufacturers of scent control products for sale in the hunting products marketplace in the United States. The scent control products manufactured and/or sold by Robinson Outdoors include deer lures, cover scents, scent-free soaps, deer lure dispensers, spray-on deodorizing compounds and odor adsorbing clothing and accessories.

4. Elimination and control of human odors is critically important while hunting wildlife such as deer, elk and bear because most wildlife use their acute sense of smell as the

primary defense mechanism. The sense of smell by animals, such as white tail deer and elk, is orders of magnitude more sensitive than the sense of smell of humans.

5. For more than twenty years prior to Greg Sesselmann's innovation in the early 1990's, hunters have understood and recognized this acute sense of smell defense mechanism by wildlife and the primary means used by hunters to try to combat the human odors were cover scents. Many hunters also used temporary dry products such as baking soda. These products all had their shortcomings such as the temporary nature or limited effectiveness.

6. Another strategy or tactic which has been used by hunters for many years prior to Greg Sesselmann's innovation is to use a variety of odor neutralizing soaps and detergents. Typically, a hunter would wash his or her body and clothing with these odor-free detergents and soaps in an attempt to eliminate the odors. Unfortunately, the human body continuously produces and emits odors and therefore, the benefits realized by these products are temporary in nature, especially in warm environments or where the individual is exerting himself or herself. In other words, as the hunter naturally generates new odors, the effectiveness of the washing described above quickly fades.

7. Still another example of a more limited odor control practice used for many years in the hunting product marketplace is a liquid spray containing odor-absorbing compounds or a dry powder such as baking soda. Robinson Outdoors was one of the leading innovators of these scent-eliminating spray-on products. In use, hunters would spray these compounds on their body, clothing and hunting accessories as they enter the woods. Once again, these products have met with moderate success because they are limited in effectiveness over time, and are somewhat limited in their effectiveness in eliminating all the human odor that activated carbon clothing is capable of. Because hunters often hunt in remote areas and many miles from roads and the like,

hunters are quite limited as to the supplies and materials which can be transported deep into the wilderness. Too often, these bulky sprays and powders would be left behind rather than carried into the woods.

8. Robinson Outdoors is a licensee of the proprietary and patented concepts held by ALS Enterprises, Inc. As a licensee, Robinson Outdoors manufactures and sells a wide variety of odor adsorbing hunting garments and accessories. Generally, these licensed products are formed from an air permeable fabric material which incorporates activated carbon to adsorb the naturally occurring odors and other environmental odors. In particular, the odor adsorbing garment manufactured and sold by Robinson Outdoors that I have used previously and I refer to throughout this Declaration typically comprises an article of clothing formed from a base layer of air permeable material having activated charcoal provided on the air permeable fabric layer. It is my understanding that the activated charcoal was securely mounted to the fabric through use of a bonding agent, typically adhesive. The articles of clothing are designed to substantially surrounded at least a portion of the body of the wearer and consequently a substantial portion of the odors naturally emanating from my body where adsorbed by the article of clothing, thereby making detection of my odor by wildlife more difficult so that while hunting I could be in close proximity to wildlife without alerting the wildlife of danger through their sense of smell.

9. Robinson Outdoors secured a license to practice the inventions seen in the ALS patents and pending patent applications in 1997. Since that time, Robinson Outdoors has sold more than 400,000 garments incorporating this technology. In addition to garments, Robinson Outdoors has sold many accessories such as odor absorbing duffle bags, headcover, hats, and gloves incorporating this odor absorbing technology and the method for using the innovations.

Since acquiring this license in 1997, the estimated retail sales of the products manufactured by Robinson Outdoors incorporating this technology is in excess of \$120,000,000.

10. Based upon my 35 years of practical hunting experience and twenty two years of retail experience, including 10 years in the manufacture and sale of odor control hunting products, the most important developments in the hunting products industry since I became involved with these products are the odor-adsorbing garments and method for using these garments invented by Gregory Sesselmann. The odor-adsorbing garments manufactured and sold by ALS Enterprises, Inc. and licensees such as Robinson Outdoors, are the only products available in the industry which provide effective odor control and odor elimination for an extended period of time in a wide variety of weather and hunting conditions which are also subject to being regenerated for reuse.

11. I am not aware of any other hunting product which has met with the same growth, commercial success and acceptance within the highly skeptical hunting industry as the odor-adsorbing garments and the method for using these garments as developed by ALS and licensees such as Robinson Outdoors.

12. Based upon my involvement in the industry and as a hunter, I am familiar with the historical advertising and promotional efforts of ALS in promoting its odor-adsorbing garments and instructions in the use of these garments by hunters to avoid detection by wildlife. In my opinion, the remarkable commercial success which ALS has experienced with its odor-adsorbing products and the methods of using these products in the hunting industry is not a function of these advertising and promotional efforts, but instead is largely the result of Greg Sesselmann's unique and pioneering innovation in the scent control industry, coupled with high consumer demand for effective odor-adsorbing products.

13. Prior to the introduction of ALS's products, odor absorbing garments did not exist in the marketplace and in fact there was no marketplace for the products. However, since the introduction of the ALS products, a market has been developed for odor-adsorbing hunting clothing and accessories, which I understand to be a multi-million dollar market.

14. I have not received any compensation for providing this Declaration, I have no direct interest in the outcome of this matter, and other than my position as an employee of a licensee, I have no financial interest, or ownership interest in ALS Enterprises, Inc., Gregory Sesselmann or the family of patents or patent applications to which US Patent Application Serial No. 90/007,331 is linked.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3/22/07

Keith Edberg  
Keith Edberg